defeat this extreme, unauthorized plan. That's why it is critical for growers, their families, and anyone else whose livelihood depends on tobacco *manufacturing* to speak out against the FDA's plan.

Everyone agrees that minors should not smoke. But, the FDA's action isn't really about youth smoking – it's a back-door attempt by the FDA to ban the sale of tobacco products to adults.

What Can You Do?

Write to the FDA. The FDA is accepting comments from the public on its plan until January 2, 1996.

Comments to the FDA should be sent to the following address:

Dockets Management Branch (HFA-305)
Docket No. 95N-0253
Food And Drug Administration, Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

Note: If you are submitting a letter to the FDA docket as an individual citizen, only your original letter is needed. If, however, you are writing on behalf of a business, you must submit four copies, along with the original, and mail them in the same envelope to the above address.

You should also write to your two U.S. senators and your U.S. representative. If you don't know their names, you can call your local board of elections to find out.

Message Points

If you oppose FDA jurisdiction over tobacco, you may want to use some of the following points in writing your letter of opposition:

- Tobacco farmers already comply with numerous federal and state regulations. Further federal regulation simply is not warranted.

- FDA regulation of tobacco could jeopardize the livelihoods of thousands of Americans who grow and harvest tobacco. Commissioner Kessler obviously does not appreciate tobacco's deep roots in this country, a legacy that simply must not be regulated out of existence.

- Everyone agrees that minors should not smoke. That is not the issue. But adding more government bureaucracy, red tape and onerous regulations will not solve the issue of youth smoking.

- The Food and Drug Administration should focus on its main mission: regulating food and drugs.

- FDA regulation of tobacco could lead to a requirement that smokers get a doctor's prescription for cigarettes – or even an outright ban on tobacco. We tried prohibition in the 1920's. It did not work then and it will not work today. ❑

A Grower's Perspective:

FDA Regulation of Cigarettes Would Change Forever the U.S. Tobacco Industry

Let's keep the FDA off the farm.

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Source: https://www.industrydocuments.ucsf.edu/docs/ylby0003

Earlier this year, the U.S. Food and Drug Administration (FDA) announced a far-reaching plan to exercise regulatory control over the marketing and sale of cigarettes and smokeless tobacco.

As a component of this plan, FDA Commissioner David Kessler announced his decision that cigarettes are "medical devices". His rationale? According to Commissioner Kessler, the cigarette filter, the paper and even the tobacco are the "devices" that deliver the "drug" nicotine. By characterizing cigarettes as medical devices, Commissioner Kessler has asserted that cigarettes fall under his agency's jurisdiction.

Commissioner Kessler further asserts that because cigarettes are medical devices, he has the authority to impose severe restrictions on their marketing and sale, just as he has authority to regulate true medical devices.

We believe that Commissioner Kessler's logic makes no sense – that his decision to regulate cigarettes as "devices" is like trying to fit a square peg into a round hole – it just doesn't fit.

For the thousands of Americans who have dedicated their lives to growing the rich burley and flue-cured tobacco that make American cigarettes the finest in the world, Commissioner Kessler's assertions are particularly offensive. Tobacco is not a medical device and should not be classified as such and should not, therefore, come under the control or authority of the FDA.

Philip Morris is committed to fighting the FDA's plan. As we do, we look to the nation's tobacco growers to join in the growing chorus of opposition to the FDA's unwarranted, absurd and illegal plan.

Why Does the FDA Want to Regulate Tobacco?

- The stated goal for FDA regulation of tobacco is to prevent minors from smoking. Philip Morris U.S.A. strongly agrees that children should not smoke, and supports efforts to stop minors from having access to cigarettes. But, we do not believe that the FDA has the authority to regulate tobacco. Only Congress has the authority to change the FDA's mandate. In the more than 80 times that Congress has amended legislation governing the FDA's jurisdiction, it has never given the FDA any authority whatsoever over tobacco.

The FDA's plan goes so far beyond the issue of youth smoking that we believe Commissioner Kessler's real motive is to severely restrict if not completely ban the sale of cigarettes.

What would the FDA's plan do?

The FDA's plan would impose extreme restrictions on our ability to market and sell cigarettes to adult smokers.

Among other things, the plan would:

- Ban all self-service displays of cigarettes at retail.
- Prohibit sale or distribution of all cigarette branded promotional items, such as hats, shirts, bags, sunglasses, pens, etc.
- Limit point-of-sale advertising for cigarettes to black and white text only – no color or other visuals would be allowed.
- Prohibit cigarette brand sponsorship of all sports and cultural events.
- Require that the words, "Cigarettes – A Nicotine-Delivery Device" appear in all advertisements.
- Allow the FDA to enact an even more restrictive measure seven years after publication of the final rule, if the percentage of young people using tobacco products has not decreased by at least 50 percent since 1994.

IT IS CRITICAL THAT THE NATION'S TOBACCO GROWERS EXPRESS THEIR OPPOSITION TO THE FDA'S PLAN!

Legal challenges, combined with an outpouring of adverse public opinion, can make a huge difference in helping to

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